

WEATHER FORECAST.
Fair to-day and to-morrow; moderate
west and northwest winds.
Highest temperature yesterday, 43; lowest, 30.
Detailed weather reports on editorial page.

VOL. LXXXVII.—NO. 76

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PRICE TWO CENTS.

VOLSTEAD DRY LAW IS UPHELD HERE BY TWO FEDERAL JUDGES

Hand Dismisses Plea of the
Brewers to Restrict Fed-
eral Agents.

CONGRESS IS SUSTAINED
Knox Refuses Whiskey
Men's Demand to Nullify
Enforcement.

RELIEF IN HIGHER COURT
Decisions Assume Early Rul-
ing in Washington Will
Meet Emergency.

The eagerly awaited decision by Judge Learned Hand of the United States District Court was a bitter disappointment to the brewing and liquor interests when it was filed yesterday. Judge Hand squarely upheld the constitutionality of the war time prohibition and dismissed suits brought by the Jacob Ruppert Brewing Corporation and Dryfoos, Blum & Co. to enjoin the Federal Attorney and the Collector of Internal Revenue from enforcing the bone dry law. Simultaneously Judge John C. Knox, also upholding the validity of the war time prohibition act, and the enforcement act, dismissed demurrers filed by liquor dealers in another proceeding to nullify enforcement.

Judge Hand followed what appears to be the trend of opinion of the Federal bench in this district and his ruling is the worst blow the liquor interests have received since Congress passed the Volstead act over the President's veto. At the same time the decision calls attention to the extraordinary conflict of opinion and the muddled situation which exists in the country.

In one spot, Rhode Island, it is legal to sell beer. In another spot, Louisville, Ky., it is legal to sell whiskey. Ohio has rescinded her ratification of the Eighteenth Amendment. Judges issue irreconcilable opinions. It is probable, however, that a final decision by the United States Supreme Court as regards the constitutionality of the act of November 21, 1918, and the Volstead act may be had very soon, as it was announced by Judge Hand yesterday that the Supreme Court would hear argument in the matter on November 20 and that a decision might reasonably be anticipated in the near future.

Upholds Congress Power.

In his opinion Judge Hand, after setting out the facts of the suits brought by the Ruppert concern in the general interest of the brewers and by the Dryfoos & Blum concern in the general interest of the distillers to enjoin Federal officials from interfering with the manufacture and distribution of beer and whisky from interfering with the withdrawal of whisky from the bonded warehouses and its sale for beverage purposes, said:

"I hold that the war time prohibition act remains a valid exercise of the Congressional power, and the only question left is of title warrants under the national prohibition act in so far as it is in violation of what, on this record, I must conclude to be unconstitutional. As for that I can say little more than that the power to include it falls squarely with the rule of Purcell Extract and the Company against Lynch and the earlier case of Sills against Huesther. Though the sole justification of the war time prohibition act is to prohibit the sale of intoxicants it may be impossible to effect a total prohibition and without including all kinds of beer."

The Supreme Court is to hear arguments upon the constitutionality of the war time prohibition act on Thursday next and it is reasonable to suppose that an early decision will be reached. The damage done by an injunction measure cannot be measured by money. Here is a question of national public policy of allowing the sale of what the constituted authorities apparently regard as injurious to the public or to so much of it as they have a right to consider. To deny their will, if only for a season, is to do an injury which is, to say the least, as irreparable, if the laws be valid, as to prevent the plaintiffs from selling intoxicants for the same period if they are not.

"In all the books we are told that to declare a law unconstitutional we must be assured beyond question that it is such. A temporary stay is a declaration for a time that it is unconstitutional. It is to dispense with statutes till the case is finally decided. Assuming that I may do so, there seems to be no proper reason for exercising the power."

Emergency Law Rights.
In holding that the power of Congress to enact emergency laws which may operate after the war is ended Judge Hand made this interesting comment:

"Now a policy of prohibition rests, or at any rate may rest, upon the belief that the use of intoxicating drink will provoke discontent, disorder, economic waste and industrial friction and readjustment among this class and during this period. With the correctness of that belief, of course, I have nothing to do; enough that it has been long and very widely held. If so, the only question, as I view it, is whether such prohibition has any genuine relation to this belief, though hostilities be over, demobilization completed and the production of military supplies and munitions have ceased."

"Prohibition may not be the measure of our national responsibility, but it is obviously a step which honest men may believe to look to its discharge. Nor can it be said that the means were more extended than the occasion required, for to prohibit the sale of intoxicants is to prohibit the sale of intoxicants to demobilized soldiers, workmen and to railway employees without including the community at large. They permeate every corner of the land and mingle

ROYALISTS HOLD UP HINDENBURG; TURN HIM BACK

Pan-German Students Re-
fuse to Let Him Testify
Before Reichstag.

CHEERS FOR EX-KAISER
Women Join in Ovation as
Field Marshal Yields to
Monarchists.

OLD ANTHEMS ARE SUNG
Statue of Emperor William Is
Uncovered—Cries of "Hech"
Raised for Him.

By the Associated Press.
BERLIN, Nov. 14.—Pan-German students refused to-day to permit Field Marshal von Hindenburg to enter the Reichstag building to testify before the sub-committee which is investigating war responsibilities, and forced the Field Marshal's chauffeur to return with the former Commander in Chief to his home.

The demonstration occurred as the Field Marshal's automobile was being driven toward the Reichstag building. The students surrounded it and declared their unwillingness to allow him to be questioned by the sub-committee. Hindenburg begged the students, who clung to the running board of the machine, to allow the automobile to pass, as he was due at the Reichstag. The students, however, replied by ordering the street closed, announcing that they were unwilling to allow the sub-committee to interrogate him. Again Hindenburg protested, but he was unable to quell the demonstration.

Both Sides in the Crowd.
It was a Nationalist demonstration for both Hindenburg and Gen. Ludendorff, and for a time it assumed serious proportions. The crowd which gathered consisted mostly of students of both sexes, who carried with them an old German flag.

When Hindenburg's automobile was waylaid the crowd cheered both Hindenburg and Ludendorff, and shouted "Down with the Jewish Government." After Hindenburg's protests that he was not a Jew, the students refused to allow him to proceed. He was then escorted to the Reichstag, thousands of persons following him, singing "Die Wacht am Rhein" and "Deutschland Uber Alles."

There also were shouts of "Brothers, we will not allow such a disgrace," "for we are not Jews," and "we will not allow our glorious Kaiser to be humiliated." Along the route was a statue of the ex-Emperor, the name of which was hidden under a canopy. The students tore off the canopy with cries of "Hech" for the one time ruler and the empire.

He Yields Gracefully.

As the Reichstag building was reached a student again sprang on the running board of Hindenburg's machine and declared his unwillingness to permit the Field Marshal to enter the Reichstag. Finally Hindenburg, seeing the futility of endeavoring to calm the mob, permitted the chauffeur to drive home. First, however, he thanked the crowd for the respect to him implied by the demonstration.

D'ANNUNZIO QUITS FIUME, IS REPORT

Trieste Hears He May Confer
With Nitti in Rome.

TRIESTE, Nov. 14.—A telegram to the Standard Exchange here stated that Gabriele D'Annunzio has left Fiume.

There have been recent unconfirmed reports that D'Annunzio purposed going to Rome for a conference with Premier Nitti. In a recent interview, however, D'Annunzio declared his intention of remaining in Fiume to defend it from menace from any quarter.

By the Associated Press.
FIUME, Nov. 12 (delayed).—Food is now passing to Fiume regularly over the railway from Trieste and commercial relations with the outside world have begun. The expected opening of sea traffic has caused rumormongers to work in the harbor as well as in some Fiume industries which have been tied up during the occupation by the forces of D'Annunzio. Relaxation of the blockade by land and sea is expected to relieve the economic and labor conditions.

There are 6,000 unemployed in Fiume. Half of these have been recruited in the D'Annunzio forces and are receiving the usual soldiers' pay of 600 crowns monthly. There is a contrast between these volunteers and the soldiers deserting from the regular Italian army, who are young adventurers, but those joining from the ranks of the unemployed are mature in years, wearing the newest uniforms and presenting an unimpaired appearance. Officers receive 3,000 crowns monthly. Both enlisted men and officers live gay lives in cafes and theatres, enjoying the lavish compensations.

Pay given to the unemployed averages 200 crowns monthly. This is approximately 43 in American money at the present rates of exchange. The necessities of life in Fiume are very high. A pair of shoes costing 400 crowns and a meal in a hotel costing 90 to 100 crowns.

Dutch Fishermen Quit Owing to Mine Wrecks

By the Associated Press.
AMSTERDAM, Nov. 14.—As a result of recent shipping casualties due to floating mines in the North Sea, sailors of the Dutch fishing fleet at Ymuiden have decided not to sail from ports until they learn the fate of three boats which, according to unconfirmed advices, recently struck mines and went to the bottom with all their crews.

Several Dutch ships are still searching for twenty-two persons of the crew of the steamship Zaan, which was sunk by a mine last Sunday.

ALLIES WAITING ON WASHINGTON

France and Britain Want U. S.
to Ratify—Objections to
Senate's Preamble.

By the Associated Press.
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Americans Urged to Act.

Third, that this attitude already has been made known to the American representatives here, who are urging that steps be taken in Washington to bring about an agreement on the reservations which the Germans would place on the ratification of the treaty.

Fourth, that in the meantime Germany is protesting over the delay in putting the treaty into effect, contending that this is a clear violation by the Allies of its terms, inasmuch as it was stipulated expressly in the treaty that it should go into effect as soon as three of the Allied Powers had ratified it.

In other words, the Germans take the position that the Allies are the first to violate their own treaty.

What has prevented the French and even the British from urging that the treaty go into effect at once is evidence they have obtained from German sources that the Germans would place on the ratification of the treaty various commissions were the United States not represented. The Germans, if it suited their purpose, would hold that the treaty specifically provided for American membership in the League of Nations.

Provisions of Anderson Plan.

The Anderson plan provides that both the roads and the employees, failing to reach a decision between themselves, may submit the dispute to one of three railway boards of adjustment. The three boards will divide railway labor into three groups and the dispute will go to the board having jurisdiction of troubles of the respective class of workers.

Labor and the railroads are equally represented on the boards. If no decision is reached the case would go to one of three commissions on labor disputes with jurisdiction over the respective classes of workers corresponding to the division of the boards. Here again the roads and labor have equal representation and a decision must be by majority vote.

ACCUSED OF SMUGGLING REDS.

Belgian Charged With Giving
Bogus Identification Papers.

BRUSSELS, Nov. 14.—Municipal Clerk Van Damme of the suburbs of Anderlecht was arrested to-day on an allegation that he had delivered bogus identification papers to a hundred Bolsheviks who entered Belgium from Germany in the guise of Poles and Czechs-Slovaks.

The police are searching for the whereabouts of the Bolsheviks.

HOUSE DEFEATS PLAN TO FORBID RAIL WALKOUTS

Anti-Strike Proposals Lost
as Anderson Amendment
Is Adopted.

PUBLIC IS NEGLECTED
Measure Lacks Teeth, With
Compulsory Arbitration
Also Knocked Out.

DEBATE ON THREE IDEAS
Votes of "Folks Back Home"
Feared by Members Favor-
ing Unions.

By the Associated Press.
WASHINGTON, Nov. 14.—Anti-strike legislation against railroad employees went down to defeat in the House to-day by a vote of 161 to 108, despite the increased demands from all parts of the country in the last few months that greater protection be given to the public against strikes and lockouts.

Members friendly to organized labor controlled the parliamentary situation to such an extent that all direct votes were avoided on amendments to the railroad bill declaring strikes illegal during arbitration or at any other time. The House vote defeating indirectly all anti-strike proposals resulted in the adoption of an amendment of Representative Anderson (Minn.) which bodily inserts in the bill, with slight modifications, the plan of settling railroad disputes through six adjustment boards which has been in force for several years. The action was taken in the committee of the whole, but it is doubtful if the result can be changed by a separate vote on the amendment in the House proper.

After the adoption of the Anderson amendment all efforts to strengthen it by anti-strike provisions were blocked by Representative Walsh (Mass.), chairman of the committee of the whole, ruling that the proposals were out of order. Likewise a vote was prevented on compulsory arbitration. Legislation against walking delegates also failed to reach a vote.

Victory for Organized Labor.

The action in the House may be considered a victory for organized labor, since the railroad brotherhoods, according to the debate, gave their approval to the amendment. Republican leaders opposed the plan adopted, believing the country domain of the railroad industry labor until the unions themselves disclose willingness to be fair and reasonable in their demands. The vote was much smaller than plans favorable to labor usually receive in the House, but the same spirit of not doing anything that might antagonize the labor vote still back home was evident.

The Senate, which supported the Anderson amendment, is expected to pass the bill into law behind him, although Representative Kitchin (N. C.) favored laws against strikes during arbitration. The Senate, under the leadership of Representative Fessenden (Ohio), Madden (Ill.) and Winslow (Mass.), members of the majority steering committee, voted against the Anderson amendment.

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SPOKANE CALLS VETERANS, FEARING I. W. W. INVASION; DEATH THREAT RECEIVED

END SEEMS NEAR
IN COAL STRIFE

Miners and Operators to Con-
sider Three Proposals by
Secretary Wilson.

HE WARNS BOTH SIDES
Diggers' Demands Called "Im-
possible"; Operators Scored
for Attitude.

By the Associated Press.
WASHINGTON, Nov. 14.—Secretary of Labor Wilson submitted three proposals for settlement of differences between coal miners and operators to-day at the opening of the scheduled joint conference.

These proposals were taken under advisement in secret session by both sides, and though each will not report or make known its position until conferences are resumed to-morrow morning, the outlook is regarded as favorable. John L. Lewis for the miners and Thomas T. Brewster for the operators each stated that negotiations would be undertaken and that a settlement would have to be reached in these negotiations. It was learned that both sides are favorably disposed toward an agreement.

Confession Shows Reds Were to Greet Centralia March- ers With Volleys.

LEGION MEN IN HUNT
More Trouble Expected as
Armed Radicals Begin to
Surround Town.

By the Associated Press.
CENTRALIA, Wash., Nov. 14.—A confession that a thoroughly prepared plot existed to break up by a rifle volley the armistice day parade during which four soldiers were killed was to-night in the hands of D. C. Cunningham, Assistant County Attorney. The statement was obtained from one of the Reds now a prisoner, who it is said was in the councils of the ringleaders from the start and sat in at the final secret session of the I. W. W. held Sunday, at which the last diabolical detail was arranged.

Mr. Cunningham said that ten of the men now in jail will be formally charged with murder, and that an eleventh, Bert Bland, is being sought by a posse. Bland fled during the riotous roundup of radicals that followed the street slaying. He is held responsible by the County Prosecutor for the shooting of Warren Grimm, commander of the Centralia post of the American Legion. His description has been placed throughout the State, and his capture is regarded as certain.

Missing Man Hunted.

Officers of the American Legion were in communication with the county prosecutor's office, and when they learned of the confession reported to have been obtained, they immediately sought the organization with rifles at once to get him. An even hundred men went out, on authority, ready to shoot to bring the fugitive in, but to capture him at all cost the killing in the city ran higher to-day with the announcement of the new developments.

Early this morning a freight train from Seattle bristled with the menace of armed I. W. W. The train pulled into the yard here sixteen miles with rifle barrels tucked under their coats dropped from the brake beams and started for a rendezvous. They were sighted by members of the train crew, who attempted to interfere with them. The radicals promptly shifted their guns into play, and compelling the crew to hold up their hands and back up against the cars, made off.

Fears were expressed in some quarters that another concentrated move had been planned to repeat the bloodshed of Tuesday. Several instances were reported during the day where sullen, armed men had been seen lurking about the borders of the town. Extra deputies have been sworn in for safeguarding the city. Last night Edward J. Doherty, an employee in the Chinabille Mills, was shot by a guard for refusing to halt upon command. The bullet went through his left shoulder without inflicting serious injury. Doherty had worked at the mills three months, and had the military regulations regarding passing the sentry fully explained to him.

The announcement from the County Prosecutor's office that evidence had been obtained for a criminal prosecution came as something of a surprise after the adverse testimony taken at the investigation by the Coroner's jury and the failure of the jury to fix responsibility for the shooting. One of the witnesses, Dr. Frank J. Bickford, who was one of the marchers, said he was well toward the front of the parade when he heard a man next to him say:

Evidence Is Surprised.

The line was filling past the hall used by the radicals as a meeting place. Dr. Bickford said a few men nearest him took up the words and ran to the entrance of the hall. The first man had his foot across the threshold, he declared, when the first shot from radical guns started the riot.

Mr. Cunningham said he was not greatly impressed by Dr. Bickford's testimony, expressing the opinion that the witness failed to hear the first shot and saw only the sudden rush of the marching soldiers toward the hall. Another witness, Dr. Herbert Bell, a former I. W. W., said he was in the crowd.

Secretary Wilson's Address.

In opening the conference Secretary Wilson said:

"I have asked you to come here into conference in connection with the mining question, simply because there is a labor dispute in the mining fields, but because the world is still passing through a great crisis. We are still in a period

Letter from Reds Declares
Soldiers' Organization
"Is Doomed."

NINE LEADERS NAMED
"Will Follow in Footsteps
of Marked Ones at Cen-
tralia," It Says

RADICALS ARE ARRESTED
Two Troops of National Guard
Ordered Out to Patrol
Washington City.

By the Associated Press.
SPOKANE, Wash., Nov. 14.—Members of the American Legion in this city were being sworn in as special policemen to-night to meet what was declared to be an invasion of 1,000 to 2,000 members of the Industrial Workers of the World, due to arrive here to-night from Montana and other parts of the Northwest. This action was taken following the receipt during the day of a letter, signed "Industrial Workers of the World, Managing Secretary," threatening nine local members of the Legion with death. The letter was typewritten, the letterhead was torn off, and it was mailed yesterday.

I. W. W. HAD PLAN FOR MASSACRE

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The men named in the letter as marked were:

Frank McKivitt, Lester Mallett, Frank O'Leary, Henry Wills, Ralph Gordon, Russell Alexander, H. E. T. Homan, James Abbi and Harold Pitts. With but one or two exceptions these men are overseas veterans and held commissions in the army. Wise is an officer of the Spokane American Legion Post. Pitts is manager of the Spokane office of the State Veterans Welfare Commission. Abbi is president of the Filers Club, an organization of former aviation service men. All have been active in affairs of the American Legion in the Northwest.

Orders were issued to-night for the mobilization of two companies of the Washington National Guard. At the same time arrangements were being made with the officers at Fort George Wright to supply arms and ammunition for the members of the American Legion sworn in as deputy sheriffs or policemen. Even without arms these Legion men were ready for instant duty.

Major Thomas G. Aston, commander of a battalion of the National Guard, announced he had telegraphed Adjutant General Moore recommending that the two best companies of guardsmen be mobilized.

All I. W. W. suspects are to be arrested, according to an agreement reached at a conference between Commissioner Tilsley of the Department of Public Safety, Chief of Police Weir, Sheriff Field, and other officers and representatives of the American Legion.

Officers of the American Legion told the officials they had received what they considered authentic reports that I. W. W. were en route here. All incoming trains, they said, are loaded with members of the organization and reports have been received from lumber camps in this region that I. W. W. are leaving their jobs to go to Spokane.

Declare Information Correct.

Despite efforts to discount reports of the invasion, officers of the Legion maintained stoutly their information was from reliable sources.

The city jail is filled, it was said, but Sheriff Reid said he could care for 12 additional prisoners in the county jail. All arrested men would be held, it was declared.

With fifty-eight alleged members of the Industrial Workers of the World in the local jail charged with criminal syndicalism, police officers to-day seized a quantity of radical literature said to amount to nearly a ton.

Fifty-two alleged members of the I. W. W. were convicted in police court to-day on charges of criminal syndicalism. Each was sentenced to thirty days in jail and fined \$100. The prisoners appeared in court with counsel and conducted a "silent defense."

It included a new booklet by James Rowan, former national secretary of the I. W. W., timber workers' union, who is at liberty on bond following his conviction in Chicago I. W. W. cases.

What the police believe was the beginning of a German Soviet was discovered, they said, in the arrest of C. K. Quast. Quast is being held for further investigation.

Orders forbidding "workers' meetings" called for Saturday and Sunday evenings at Turner Hall were sent directors of the German Turnverein to-day by Commissioner J. H. Tilsley of the Department of Public Safety, who warned them criminal actions would be brought unless meetings of I. W. W. and kindred organizations were barred from the hall.